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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,483	05/23/2001	Shin-Hyun Yang	A34247	9339
21003	7590	08/17/2005	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				RYMAN, DANIEL J
ART UNIT		PAPER NUMBER		
		2665		

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/863,483	YANG, SHIN-HYUN	
	Examiner Daniel J. Ryman	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 5/23/2001.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/31/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: ref. 1-32 (see Figs. 1 and 3; page 3, lines 14-17; and page 6, lines 5-6). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
  
2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because ref. "33" in Fig. 6 should be ref. "s20" in order to comply with page 6, lines 24-27 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

4. The abstract of the disclosure is objected to because in line 4 "one or mobile" should be "one or more mobile" and in line 5 "core network" should be "core networks. Correction is required. See MPEP § 608.01(b).

5. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification

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are: on page 1, line 13 “detail” should be “detailed; on page 1, line 14 “a 3GPP and a 3GPP2” should be “3GPP and 3GPP2”; on page 1 , line 15 “an” should be “a”; and on page 1, line 16 “an IP” should be “IP”.

6. The disclosure is objected to because it does not contain a discussion of Figs. 1-5. A description of these drawings would allow a reader to gain a better understanding of the invention.

Appropriate correction is required.

#### *Claim Objections*

7. Claims 1 and 7 are objected to because of the following informalities: in line 2 “one or mobile” should be “one or more mobile” and in line 4 “network” should be “networks”.

Appropriate correction is required.

8. Claim 2 is objected to because of the following informalities: in line 2 “a RNCS” should be “a radio network control system (RNCS)”. Appropriate correction is required.

9. Claim 8 is objected to because of the following informalities: in line 4 “the RNCS” should be “an radio network control system (RNCS)” and in line 5 “the radio” should be “a radio”. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marchand (USPN 6,714,515) in view of Almgren et al. (USPN 6,668,175).

12. Regarding claim 1, Marchand discloses a method for processing a signal and a bearer separately in an ALL IP network system including one or mobile stations (col. 1, lines 8-17 and col. 1, lines 29-31), one or more radio networks (col. 1, lines 8-17 and col. 3, line 61-col. 4, line 6), and one or more core network (IP network) (col. 1, lines 8-17 and col. 7-30), the method comprising the steps of: a) transmitting a service request message (call request) from the mobile station to the radio network (col. 6, lines 56-62); b) at the radio network, determining whether a circuit related service or a packet-related service is requested (col. 3, lines 32-37); c) if the packet-related service is requested, transmitting the service request message from the radio network to the core network (BB) without performing any process of the service request message (Fig. 3; col. 6, lines 16-42; and col. 7, lines 56-67); d) at the core network, performing a process of the service request message and requesting the connection be made (Fig. 3; col. 6, lines 16-42; and col. 7, lines 56-67). Marchand does not expressly disclose that the core network requests the radio network to assign the bearer for user data and that the radio network assigns the bearer in response to the assignment request. Almgren teaches, in a system for providing radio access bearer services, having the radio network assign the bearer for user data and having the radio network assigns the bearer in response to the assignment request since the radio network controls the bearers (col. 9, lines 12-13; col. 10, lines 24-47; col. 12, lines 1-14; col. 15, lines 58-63; and col. 16, lines 6-8) where “bearer is translated back over the Iu interface ... to the application” suggests that the bearer is assigned in the radio network since the bearer is sent over the radio network/core network interface to the application which is in the core network. It would have

been obvious to one of ordinary skill in the art at the time of the invention to assign the bearer for user data and to assign, by the radio network, the bearer in response to the assignment request since the radio network controls the bearers.

Regarding claim 7, incorporating the rejection of claim 1, Marchand in view of Almgren disclose each limitation in claim 7, as outlined in the rejection of claim 1, except that the method is implemented using software. Examiner takes official notice that it is well known to use software to implement a method since software is more flexible than hardware. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the method using software since software is more flexible than hardware.

13. Regarding claim 2, Marchand in view of Almgren discloses that the radio network includes a RNCS (RNS) (Marchand: col. 6, lines 16-24) and a radio bearer function (RBF) unit, the radio bearer function unit performing bearer assignment (Almgren: col. 9, lines 12-13 and col. 10, lines 24-47) where it is implicit that the RAN has a means for assigning bearers.

14. Regarding claim 3, Marchand in view of Almgren discloses that the core network includes a mobile switching center (MSC) server (Almgren: col. 13, line 66-col. 14, line 8) and a session manager, the session manager managing a packet-related message (Marchand, BB: col. 5, lines 18-22 and Almgren: col. 5, line 66-col. 6, line 12 and col. 6, lines 51-65).

15. Regarding claim 4, Marchand in view of Almgren discloses that whether the circuit-related service or the packet-related service is requested is determined by reading out an address of a TCP/IP header allocated to each service request message (Marchand: col. 6, lines 56-62 and Almgren: col. 1, lines 43-52; col. 6, lines 20-28; and col. 8, lines 2-23).

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16. Regarding claim 5, Marchand in view of Almgren suggests that if the address of the TCP/IP header has an address of the session manager, it is determined that the packet-related service is requested (Marchand: col. 6, lines 56-62 and Almgren: col. 1, lines 43-52; col. 6, lines 20-28; and col. 8, lines 2-23) where a packet is sent to a particular device using an address such that having an address of the session manager suggests that the data is packet data.

17. Regarding claims 6 and 8, Marchand in view of Almgren suggests that step e) includes the steps of: e1) transmitting a response message related to the service request from the RNCS to the mobile station (Marchand: col. 6, lines 16-24) where the mobile needs to be notified of the bearer; e2) at the RNCS, requesting the radio bearer function (RBF) unit to assign the bearer (Marchand: col. 6, lines 16-24 and Almgren: col. 9, lines 12-13 and col. 10, lines 24-47); and e3) at the radio bearer function, (RBF) unit, assigning the bearer (Almgren: col. 9, lines 12-13 and col. 10, lines 24-47) where it is implicit that the RAN has a means for assigning bearers.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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